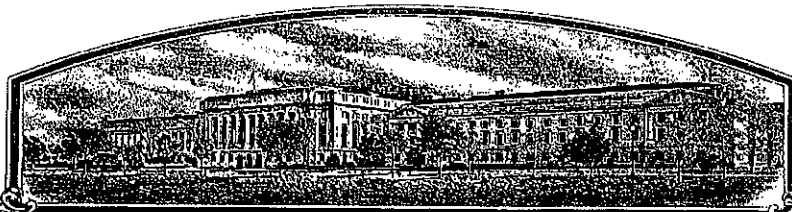


No.

9900233



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Abbott & Cobb, Inc.*

Whereas, THERE HAS BEEN PRESENTED TO THE  
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WATERMELON

'W-9812'

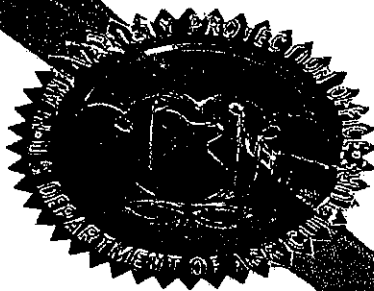
In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-eighth day of April, in the year of our Lord two thousand.

Attest:

*For more than*

*Chickma*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)

Abbott and Cobb, Inc

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER

W-9812

3. VARIETY NAME

W-9812  
AKK 28 Apr 2000

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

P.O. Box 307  
Feasterville, PA 19053-0307

5. TELEPHONE (include area code)

(215)

245-6666

6. FAX (include area code)

215

245-9043

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PVPO NUMBER

9900233

7. GENUS AND SPECIES NAME

Citrus lanatus

8. FAMILY NAME (Botanical)

Cucurbitaceae

9. CROP KIND NAME (Common name)

Watermelon

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (Common name)

Corporation

11. IF INCORPORATED, GIVE STATE OF INCORPORATION

Pennsylvania

12. DATE OF INCORPORATION

Jan-2-1974

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS

Arthur Abbott  
P.O. Box 307  
Feasterville, PA 19053-0307

14. TELEPHONE (include area code)

215

245-6666

15. FAX (include area code)

215

245-9043

16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

a. ☒ Exhibit A. Origin and Breeding History of the Varietyb. ☒ Exhibit B. Statement of Distinctnessc. ☒ Exhibit C. Objective Description of the Varietyd. ☐ Exhibit D. Additional Description of the Variety (Optional)e. ☒ Exhibit E. Statement of the Basis of the Applicant's Ownershipf. ☒ Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)g. ☒ Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to PVPO)

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)

☐ YES If "yes," answer items 18 and 19 below☒ NO If "no," go to item 20

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?

☐ YES☐ NO

19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?

☐ FOUNDATION☐ REGISTERED☐ CERTIFIED

20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?

☒ YES If "yes," give names of countries and dates☐ NO

Hybrids made from W-9812 have been selling in the USA since Aug-1-1998

21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT (Owner(s))

SIGNATURE OF APPLICANT (Owner(s))

NAME (Please print or type)

NAME (Please print or type)

John F. Malley - Abbott &amp; Cobb Inc.

CAPACITY OR TITLE

DATE

CAPACITY OR TITLE

DATE

Ex VP/Pres. Purchasing, Production 3/24/99

## INSTRUCTIONS

9900233

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed Exhibits A, B, C, E; (3) at least 2,500 viable untreated seeds, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,450 (\$300 filing fee and \$2,150 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Blvd., Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$300 for issuance of the Certificate.

Plant Variety Protection Office  
Telephone: (301) 504-5518

## ITEM

- 16a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
- (2) the details of subsequent stages of selection and multiplication;
- (3) evidence of uniformity and stability; and
- (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified.
- 16b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
- (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences;
- (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 16c. Exhibit C forms are available from the PVPO for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 16d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 16e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
17. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant may NOT reverse this affirmative decision after the variety has been sold and so labelled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
20. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705.  
Telephone: (301) 504-8089.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

AN AMERICAN TRADITION  
IN VEGETABLE SEEDS**ABBOTT & COBB, INC.**P.O. BOX 307 • FEASTERVILLE, PA 19053-0307  
(215) 245-6666 • FAX (215) 245-9043

9900233

**EXHIBIT A****BREEDING HISTORY: W-9812**

**W-9812 resulted from a breeding program, involving crossing, back crossing and selfing among three distinct parental genotypes. The parental genotypes used were:**

- a) an F3 pedigree selection developed by selfing Royal Majesty, an F1 diploid hybrid, and,**
- b) A selection from Fusarium resistant Peacock, WR60, and,**
- c) A selection of Allsweet**

**The breeding objectives were to develop an inbred line, in the Allsweet maturity class and fruit type, that combine the following horticultural, morphological, and physiological characteristics:**

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- 1) intense red flesh color
- 2) dark seeds of medium size,
- 3) long blocky fruits with Allsweet rind pattern
- 4) firm texture, with better than average after harvest shelf life
- 5) small seed cavities
- 6) good shipping quality
- 7) Brix reading of 11-12 %
- 8) resistance to Fusarium wilt race 1 and anthracnose race 1
- 9) Resistance to "Bottle necking "
- 10) Resistance to Rind Necrosis
- 11) Resistance to hollow heart, placental separation and transverse cracking
- 12) Resistance or tolerance to sunburn
- 13) Commercially acceptable parent for F1 hybrid seed production

Selections for the above characteristics, were initiated at the F2-F7 generations, under the field conditions of Central California and South Texas. Resistances to Fusarium wilt race one, and Anthracnose race one, were confirmed by actual greenhouse inoculation tests. Combining ability and seed productivity tests were initiated at the F4 level through the F6 generations. Extensive growing tests in Central California and South Texas have consistently shown W-9812 to be distinct, uniform and stable.

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**EXHIBIT A : W-9812****PARENTAL GENOTYPES USED**

**The parental genotypes used in this breeding program and their relative contributions are as follows:**

- 1) An F3 selection from Royal Majesty, designated " RM-F3-17 ". It was selected from a segregating population. The selected, single fruit was of medium size, Allsweet-type rind, small-medium dark seeds, deep red flesh and small seed cavity. It was also free of any physiological or morphological disorders. RM-F3-17 was resistant to Fusarium wilt race 1 and Anthracnose race 1.**
- 2) A single plant selection, from Fusarium resistant Peacock WR60. This plant had a high level of resistance to Fusarium wilt race 1, had intense red flesh, and excellent shipping qualities. This pedigree was designated : PCK-FR-1.**

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**3) Allsweet. This Variety was used in this breeding program because of its large fruits, excellent texture, small seed cavity, and wide adaptability. However, Allsweet is known to be susceptible to "Bottle Necking " under stressful growing conditions.**

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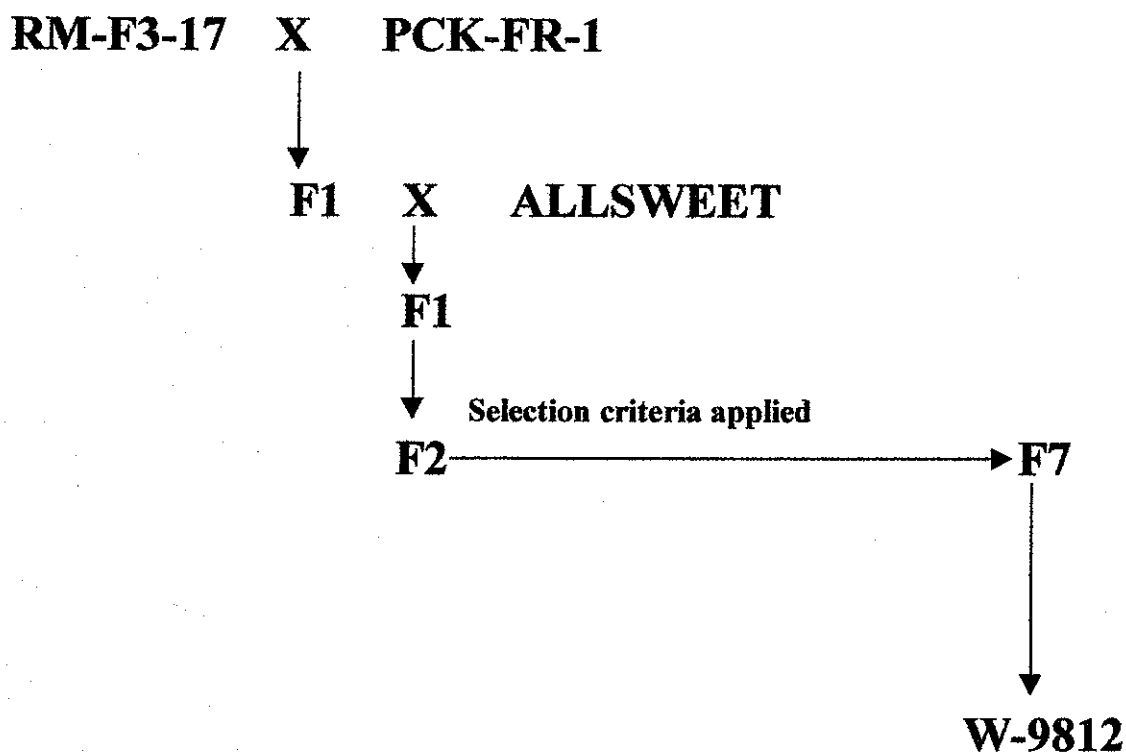
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**EXHIBIT A : W9812**

**BREEDING FLOW CHART**



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## **EXHIBIT B : W-9812**

### **STATEMENT OF DISTINCTNESS**

**W-9812 closely resembles “ Allsweet “, in exterior appearance and days to market maturity. However, it differs from “ Allsweet “ in several aspects:**

- 1) Fruits of “ Allsweet “ are longer and narrower than fruits of W-9812. ( 38 X 21 cms for W-9812 vs 49 X 19 cms for Allsweet ).**
- 2) The flesh color of “Allsweet “ is light red in color, whereas, the flesh color of W-9812 is darker red in color. Using the ” Royal Horticultural Colour Chart “ as a reference, W-9812 will be rated SCARLET 19, whereas, “ Allsweet” will be rated as SCARLET 19/2. Please refer to the enclosed digital pictures showing the internal flesh colors of W-9812 and “ Allsweet “.**
- 3) The seeds of “ Allsweet “ are light brown in color and mottled, whereas, the seeds of W-9812 are solid black in color.**
- 4) The seeds of “Allsweet “ are smaller in size than the seeds of W-9812. One thousand seeds of “ Allsweet “ weigh 38.2 grams, whereas, 1000 seeds of W-9812 weigh 52 grams.**

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UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 COMMODITIES SCIENTIFIC SUPPORT DIVISION  
 BELTSVILLE, MARYLAND 20705

EXHIBIT C  
 (Watermelon)

OBJECTIVE DESCRIPTION OF VARIETY  
 WATERMELON (*CITRULLUS LANATUS*)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

Abbott and Cobb, Inc.  
 ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

P.O. Box 307  
Feasterville, PA 19053-0307

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PVPO NUMBER

9900233

VARIETY NAME OR TEMPORARY DESIGNATION

W-9812

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
 Place a zero in first box (e.g. 089 or 09) when number is either 99 or less or 9 or less.

1. TYPE:

1 1 = OBLONG 2 = ROUND LARGE 3 = ROUND SMALL (icebox)

2. AREA OF BEST ADAPTATION:

4 1 = SOUTH 2 = NORTHEAST/NORTHCENTRAL 3 = SOUTHWEST 4 = MOST AREAS

3. EMERGENCE TO ANTHESIS:

00 NO. OF DAYS EARLIER THAN ..... 2 } 1 = CHARLESTON GREY

00 NO. OF DAYS LATER THAN ..... 2 } 2 = OTHER (Specify) ALLSWEET

4. POLLINATION TO MATURITY:

00 NO. OF DAYS EARLIER THAN ..... 2 } 1 = CHARLESTON GREY

00 NO. OF DAYS LATER THAN ..... 2 } 2 = OTHER (Specify) ALLSWEET

5. PLOIDY:

1 1 = DIPLOID 2 = TETRAPLOID 3 = TRIPLOID

6. PLANT

1 Cotyledon: 1 = FLAT 2 = FOLDED 1 1 = MONOECIOUS 2 = ANDROMONOECIOUS

Number of flowers per plant at first fruit set:

48 STAMINATE 03 PISTILLATE 00 PERFECT 4 NO. OF MAIN STEMS AT CROWN

7. STEM:

1 1 = ROUND 2 = ANGULAR 07 MM. DIAMETER AT SECOND NODE  
3 1 = GLABROUS 2 = SCABROUS 3 = PUBESCENT 4 = BRISTLED

09 CM. VINE LENGTH ÷ NO. OF INTERNODES. (At last harvest)

8. LEAF:

1 1 = OVATE 2 = OBOVATE 3 = ROUND 1 1 = LONGER THAN WIDE 2 = LENGTH-WIDTH EQUAL  
2 Dorsal Surface: 3 = WIDER THAN LONG

2 Ventral Surface: 1 = SMOOTH 2 = PUBESCENT

3 Color: 1 = LIGHT GREEN 2 = GRAY GREEN  
 3 = MEDIUM GREEN 4 = DARK GREEN

9. FLOWER (At first fruit set):

03 Staminate: CM. ACROSS 03 pistillate 2 Color: 1 = LEMON YELLOW  
 2 = YELLOW 3 = ORANGE

## 10. MATURE FRUIT:

9900233

1 - ROUND    2 - OVAL    3 - CYLINDRICAL     CM. LONG     CM. DIAMETER AT MIDSECTION  
 KG. AVERAGE WEIGHT     INDEX = LENGTH ÷ DIAMETER X 10    9900233  
 1 - SMOOTH    2 - SLIGHTLY GROOVED    3 - DEEPLY GROOVED  
 Color: 1 - SOLID (One color)    2 - STRIPE    3 - MOTTLE/NET  
 Primary Color: } 1 - YELLOW GREEN (Desert King)    2 - LIGHT GREEN (Charleston Grey)    3 - MEDIUM GREEN (Sugar Baby)  
 Secondary Color: } 4 - DARK GREEN (Florida Giant)    5 - OTHER (Specify) \_\_\_\_\_

## 11. RIND:

1 - TENDER    2 - BRITTLE    3 - TOUGH     THICKNESS MM. BLOSSOM END  
 THICKNESS MM. SIDES

## 12. FLESH:

1 - CRISP    2 - SOFT     1 - COARSE-FIBROUS    2 - FINE-LITTLE FIBER  
 Color: 1 - YELLOW    2 - ORANGE    3 - PINK    4 - RED    5 - DARK RED  
 REFRACTOMETER % SOLUBLE SOLIDS OF JUICE (Center of fruit)     % CHECK VARIETY (Specify) CALSweet  
 % HOLLOW HEART     % PLACENTAL SEPARATION     % TRANSVERSE CRACK

## 13. SEED:

MM. LONG     MM. WIDE     MM. THICK  
 INDEX ÷ LENGTH ÷ WIDTH X 10     GM. PER 1000 SEED     NO. SEED PER FRUIT  
 Color: 1 - WHITE    2 - WHITE-TAN TIPPED    3 - WHITE-PINK TIPPED    4 - TAN    5 - GREEN  
                   6 - RED    7 - DARK BROWN    8 - DARK BROWN MOTTLED    9 - BLACK    10 - MOTTLED BLACK

## 14. DISEASE RESISTANCE: (0 = Untested, 1 = Susceptible, 2 = Resistant)

ANTHRACNOSE (Race 1)     DOWNY MILDEW     FUSARIUM WILT     GUMMY STEM BLIGHT  
 SQUASH MOSAIC     WATERMELON MOSAIC     POWDERY MILDEW     CUCUMBER MOSAIC  
 OTHER (Specify) \_\_\_\_\_

## 15. OTHER RESISTANCE: (0 = Untested, 1 = Susceptible, 2 = Resistant)

SUNBURN     ROOT KNOT     OTHER (Specify) \_\_\_\_\_

## 16. NAME A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

Days maturity	<u>ALLSWEET</u>	Fruit shape	<u>CALSweet</u>
Plant vigor	<u>ALLSWEET</u>	Rind color	<u>ALLSWEET</u>
Fruit Size	<u>ALLSWEET</u>	Flesh quality	<u>PEACOCK</u>

## REFERENCES:

1. Frey, K. J. 1966. Plant Breeding - Symposium. 1 ed. Iowa State University Press.
2. Ware, G. W. and McCollum, J. P. 1968. Producing Vegetable Crops. Interstate Printers & Publishers, Inc. Danville, Illinois.
3. Whitaker, T. W. and Davis, G. N. 1962. Cucurbits. Interscience Publishers, Inc. New York.
4. Nickerson's or any recognized color fan should be used to determine the plant colors of the described variety.









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**EXHIBIT E: W-9812**

**Statement of ownership**

**Abbott and Cobb, Inc., is the sole owner of W-9812. The cost of development of this inbred was exclusively from the company own funds. All the parental genotypes used to develop W-9812 are legally unrestricted.**

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